

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

DANIEL VALDEZ,

Defendant.

CONSENT ORDER OF  
FORFEITURE

S12 10 Cr. 905 (LTS)

WHEREAS, on or about November 9, 2010, DANIEL VALDEZ (the "defendant"), among others, was charged in Counts One, Two, and Six of a ten-count Indictment, S12 10 Cr. 905 (LTS) (the "Indictment"), with conspiracy to distribute and possess with intent to distribute a controlled substance involving 1,000 kilograms and more of mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A) (Count One); with conspiracy to distribute a controlled substance involving 1,000 kilograms and more of marijuana, in violation of Title 21, United States Code, Sections 846 (Count Two); and committing a federal crime-namely, the narcotics conspiracy charged in Count Two-while on pretrial release, in violation of Title 18, United States Code, Section 3147(1) (Count Six);

WHEREAS, the Indictment included a forfeiture allegation, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, of any and all property constituting and derived from any proceeds obtained

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directly or indirectly as a result of the offenses and any and all property used and intended to be used in any manner and part to commit and to facilitate the commission of the controlled substances offenses alleged in Counts One and Two of the Indictment, including but not limited to the following:

a. a sum of at least \$50 million in United States currency, representing the amount of all proceeds obtained as a result of the controlled substance offenses alleged in Counts One and Two;

WHEREAS, on or about April 27, 2012, the defendant pled guilty to a lesser-included offense of Count Two and to Count Six of the Indictment and admitted to the forfeiture allegation, pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation and agreed to forfeit a sum of money equal to \$660,000 in United States currency, representing all property constituting and derived from any proceeds the defendant obtained directly or indirectly as a result of offense charged in Count Two and any and all property used and intended to be used in any manner and part to commit and to facilitate the commission of the offense charged in Count Two of the Indictment;

WHEREAS, the defendant consents to a money judgment in the amount of \$660,000 in United States currency, representing the proceeds obtained as a result of the offense charged.

IT IS HEREBY STIPULATED AND AGREED, by and between the plaintiff, United States of America, by its attorney Preet Bharara, United States Attorney, Assistant United States Attorney Amie N. Ely, of counsel, and the defendant, and his counsel, Joshua Dratel, Esq. that:

1. As a result of the offense charged in Count Two of the Indictment, to which the defendant pled guilty, a money judgment in the amount of \$660,000 in United States currency (the "Money Judgment") shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Order of Forfeiture, this Order is final as to the defendant, DANIEL VALDEZ, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the United States Custom and Border Protection, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. Upon execution of this Order of Forfeiture, and

pursuant to 21 U.S.C. § 853, the United States Custom and Border Protection shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

6. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Order to Assistant United States Attorney Sharon Cohen Levin, Chief of the Asset Forfeiture Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

8. The signature pages of this Order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

PREET BHARARA  
United States Attorney for the  
Southern District of New York  
Attorney for Plaintiff

By: Amie N. Ely  
AMIE N. ELY  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-2214

April 27, 2012  
DATE

DANIEL VALDEZ  
DEFENDANT

By: Daniel Valdez  
DANIEL VALDEZ

4/27/12  
DATE

By: Joshua Dratel  
JOSHUA DRATEL, ESQ.  
Attorney for Defendant  
2 Wall Street, 3<sup>rd</sup> Floor  
New York, NY 10005  
(212) 732-0707

4/27/12  
DATE

SO ORDERED:

LTS  
HONORABLE LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE

April 27, 2012  
DATE